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OCT 9 1906

IN THE

Supreme Court of the United States.

CORWIN D. BACHTEL,
Plaintiff in Error,
vs.
R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

No. 446.

WILLIAM L. DAVIS,
Plaintiff in Error,
vs.
R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

No. 449.

HARVEY H MILLER,
Plaintiff in Error,
vs.
R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

No. 448.

CORWIN D. BACHTEL,
Plaintiff in Error,
vs.
R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

No. 447.

CHARLES H. VAN HORN,
Plaintiff in Error,
vs.
R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

No. 450.

Motion to Advance Causes for Hearing.

CHARLES C. UPHAM,
Prosecuting Attorney of Stark County, Ohio, and
JOHN W. CRAINE,
Att'ys for Defendant in Error.

IN THE

Supreme Court of the United States.

CORWIN D. BACHTEL,
Plaintiff in Error,

vs.

R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

WILLIAM L. DAVIS,
Plaintiff in Error,

vs.

R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

HARVEY H. MILLER,
Plaintiff in Error,

vs.

R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

CORWIN D. BACHTEL,
Plaintiff in Error,

vs.

R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

CHARLES H. VAN HORN,
Plaintiff in Error,

vs.

R. FRANK WILSON,
Sheriff of Stark County, Ohio,
Defendant in Error.

Motion to Advance Causes for Hearing.

Now comes the above named Defendant in Error and respectfully represents to the Court that he is the Defendant in Error in said causes, and while there are only five in this Court, they represent twenty-four indictments and

criminal causes now pending in the Court of Common Pleas of Stark County, Ohio. The above indictments were found against these Plaintiffs in Error by the Grand Jury of the January, 1906, term of said Court of Common Pleas, and by reason of wrecking of a State Bank known as The Canton State Bank by them, some of whom where officers of said bank.

Said Defendant in Error represents that said causes by their very nature are ones entitled to a speedy hearing. Said Defendant in Error therefore respectfully ask an order advancing said causes for a hearing at an early day to be fixed.

STATEMENT IN SUPPORT OF MOTIONS TO ADVANCE CAUSES FOR HEARING.

These indictments about twenty-four in number which are covered by the five cases now pending in this Court were found under Section 30, of the free banking act of Ohio, passed in 1851, as amended in 1879, and is now known as Section 3821-85, Bates Annotated Statutes of Ohio.

The Plaintiffs in Error, the Defendants below, filed a demurrer to all of said indictments among other things, charging that the said Statute (3821-85) was unconstitutional and void; first, because it was contrary to the Constitution of the State of Ohio, and second, contrary to the Constitution of the United States. The Common Pleas Court overruled all of said demurrers. The Plaintiffs in Error then commenced proceedings in habeas corpus in the Circuit Court of Ohio, raising the same questions in which the Circuit Court held their contention to be wrong, and that said Section 3821-85 was constitutional and valid, not only as regards the Constitution of Ohio, but also the Constitution of the United States.

The plaintiffs in error then commenced an error proceeding in the Supreme Court of the State of Ohio, raising the same questions and the matter was fully argued before the full bench, and the Supreme Court of Ohio unanimously held that said section was constitutional and valid so far as the Constitution of the State of Ohio is concerned, and al-

so the Constitution of the United States. The cases are then brought into this Court and we feel that the question should be speedily settled; that not only all of these indictments are waiting until this one question is settled, but it being the only Statute on the books in Ohio on this subject, and there being numerous State Banks, we feel that the interest of all the people of Ohio require a speedy settlement of this question.

The people throughout this section of the state are vitally interested in this question and desire it settled. As we have stated in our motion to advance, the indictments were drawn by reason of the wrecking of this The Canton State Bank by its officers and others who are the Plaintiffs in Error in these proceedings, and more than fourteen hundred depositors of the bank are anxiously waiting the termination of this action.

We, therefore, ask that this cause be advanced, so that this one question as to the constitutionality of Section 3821-85 be settled finally.

Respectfully submitted,

CHARLES C. UPHAM and
JOHN W. CRANE,
Att'ys for Defendant in Error.